

HCALP Enforcement Actions

April 13, 2018

LISTED BY CALENDAR YEAR

Note: The information below is summary and does not represent all the facts about the situation or the violations.

2018: Enforcements Actions = 9 (*carryover from 2017)

- **Golden Horizons Aitkin – Comprehensive license issued conditional licensing with stipulated agreement**
 - Licensed since 2005
 - Complaint investigation completed June 2017 with five level 2 orders
 - Follow-up to complaint investigation with four orders reissued and one new level 3 order
 - July 2017 survey with 27 orders including one level 3 violation, 24 level 2 violations and 2 level 1 violations
 - Follow-up to complaint investigation in October 2017 with one violation reissued at a level 2
 - Survey follow-up in October 2017 with 15 orders reissued plus 4 new orders all at level 2
 - Follow-up to complaint investigation in January 2018 with 1 order reissued at a level 2
 - Follow-up to the survey in January 2018 with six orders reissued and 3 new orders including 7 at a level 2 and one level 3 violation
 - Conditional license with a stipulated agreement issued in March, 2018
- **The Wellstead of Rogers – Comprehensive license issued conditional license with stipulated agreement**
 - Licensed since 1999
 - Full survey in January 2018 with 26 orders including 1 level 3 violation
 - During the survey was a follow-up for three complaint investigations with 1 level 3 reissued and a second follow-up for three complaint investigations reissued 1 level 2 widespread order
 - In January there was also a follow-up for three complaint investigations with orders (1 level 4 widespread and 2 level 3 widespread) resulting in reissuing 1 level 3 isolated order
 - MDH concerns include lack of systems, staffing and training, a level 3 violation on the full survey and failure to totally correct OHFC orders
 - Conditional license with a stipulated agreement issued in February 2018
- **CSL Rose Arbor Wildflower Lodge – Comprehensive license issued conditional license with stipulated agreement**
 - Licensed since 2001
 - Full survey November 2017 with 29 violations all at a level 2 but 15 were widespread
 - In November there was also a follow-up for two complaint investigations resulting in the reissue of 1 level 2 widespread violation
 - Complaint investigation in May 2017 for a client in memory care who fell and died was substantiated maltreatment and not corrected at the time of OHFC follow-up

HCALP ENFORCEMENT ACTIONS BY CALENDAR YEAR

- Concerns include lack of systems, staffing, training and policies along with a lack of knowledge of home care statute. Continued concern about safety of clients in memory care with unprotected stairways.
- Conditional license issued as part of a stipulated agreement in January 2018
- **Come Home Ingleside – Comprehensive license holder issued a conditional license with stipulated agreement**
 - Licensed since 1996
 - Full survey in February 2018 with 20 violations including 1 level 4, 18 level 2 and 1 level 1
 - Conditional license issued as part of a stipulated agreement in March 2018
- **Bridges – Temporary Comprehensive License issued a conditional license with stipulated agreement**
 - Initial full survey of temporary license resulted in 28 orders with 26 at a level 2 and 2 at level 1
 - Concerns include need to have a better understanding of the statutory requirements and more robust policies and systems in place
 - Conditional license issued as part of a stipulated agreement in February 20148
- ***Touch of Home – Comprehensive license holder issued a conditional license with stipulated agreement**
 - Licensed since 2007
 - Full survey in October 2017 with 38 violations including with 36 level 2 including 12 widespread and 2 level 1 violations
 - Concerns include overall lack of understanding about home care licensing requirements, inadequate systems and procedures, inadequate training and multiple medication errors
 - Conditional license issued as part of a stipulated agreement in December 2017
 - Follow-up survey in February 2018 with 18 orders reissued
 - Conditional license was extended
- **Edgewood Sartell – Temporary Comprehensive license issued a conditional license with stipulated agreement**
 - Initial full survey in February 2018 with 18 correction orders including 1 level 3 and 17 level 2 violations with 1 that was widespread
 - Concerns include a pressure ulcer that progressed because of lack of assessment and issues with service plans, medications, treatments and training
 - Conditional license issued as part of a stipulated agreement in March 2018
- **Brookdale Champlain – Licensed Comprehensive license issued a conditional license with stipulated agreement**
 - Licensed since 2010
 - Full survey in February 2018 with 28 violations including 26 level 2 (9 were widespread) and 2 level 1 violations
 - An OHFC investigation in November 2017 resulted in 2 level 3 violations and 1 level 2
 - Conditional license issued as part of a stipulated agreement in March 2018
- **North Oaks on Emerson – Licensed Comprehensive license voluntary closure**
 - Licensed since 1996
 - Financial issues causing inability to maintain safe housing and services
 - Voluntary closure, not an enforcement action
 - Relocation of 38 residents in a 30 day period
 - Closed effective March 30, 2018

2017: Enforcement Actions = 12

Note: On February 3, 2017, the MDH was upheld, following a lengthy multiple year hearing process, in its denial of the renewal of Unity's comprehensive home care license in.

- **Milestone: Comprehensive license issued conditional license**
 - Clients in a housing with services setting
 - Concerns mostly in memory care
 - Survey in March 2017 with 24 violations including one level 3
 - Two follow-ups to fully correct
 - Three OHFC complaint investigations
 - September 2016 with one order at a level 2
 - March 2017 with 2 level 4 orders resulting in death of client
 - May 2017 still open
 - Conditions lifted when in full compliance in late July 2017
- **N & V: Comprehensive license issued conditional license**
 - Clients in several small housing with services settings
 - Most clients with mental health diagnoses
 - Poor compliance since 2015
 - Multiple OHFC complaint investigations, but not all resulted with violations
 - September 2015 investigation with 1 order
 - March 2016 investigation resulting in 4 orders with 2 at level 4
 - April 2016 investigation resulting in 1 order
 - February 2017 investigation resulting in 8 orders with 2 at level 3
 - Survey October 2016 resulting in 38 orders with 6 at level 3
 - Three follow-ups to correct
 - Compliance came during the conditional license period
- **Serenity of Remer: T-comp – denied comprehensive license**
 - 17 orders resulting in 2 at a level 3 and one level 4
- **Rivers Edge Assisted Living: T-comp – denied comprehensive license**
 - 28 orders resulting in one level 3
- **MN Heritage House: Comprehensive license – Stipulated Agreement with conditional license to voluntarily transfer clients to new provider and close license**
 - Serving clients in three separate housing with services locations
 - Multiple surveys and complaint investigations during an 18 month period
 - Survey in December 2015 resulting in 25 orders with two at a level 3
 - Follow-up in February 2016 resulting in 15 orders not corrected
 - Follow-up in May 2016 with 6 orders not corrected
 - Follow-up in August 2016 with 7 orders issued including 4 new orders
 - Follow-up in November 2016 with 3 orders not corrected
 - Follow-up in February 2017 with 8 orders including 6 new orders
 - Follow-up in May 2017
 - Follow-up in June 2017 with 31 orders with one at level 3
 - Complaint investigation May 2016 with 1 order
 - Compliant investigation June 2016 with 1 order at level 4
 - Complaint investigation May 2017 resulting in 5 orders with two at level 4
 - Complaint investigation June 2017 with two orders both at level 3

HCALP ENFORCEMENT ACTIONS BY CALENDAR YEAR

- **Sanctuary West St. Paul: T-comp – License denied with Stipulated Agreement for conditional comprehensive license**
 - Survey of the temporary license resulted in 32 violations
 - HCALP not aware provider was serving clients as provider failed to inform MDH as required by statute
 - HCALP discovered provider was serving clients via a compliant investigation
 - Multiple investigations and surveys to date
 - March 2017 complaint investigations with four orders
 - June 2017 survey resulting in 32 orders
 - November 2017 follow-up survey with 11 orders
 - November 2017 compliant follow-up reissued two orders
 - Concern of lack of understanding about home care requirements for licensure in Minnesota
 - Through consultation with provider, denied license but agreed to conditional license
 - First follow-up to survey showed progress with 12 orders reissued
 - Conditional license extended but some conditions lifted
 - Second follow-up in January with 2 orders reissued
 - Comprehensive license issued in January 2018
- **Edgemont Place: T-comp – License denied with Stipulated Agreement for conditional comprehensive license**
 - Multiple complaint investigations and surveys
 - Concern of lack of understanding about homecare requirements for licensure in Minnesota
 - May 2017 complaint investigation resulting in 6 orders
 - June 2017 survey resulting in 34 orders
 - July 2017 complaint follow-up with four orders including 1 new order
 - November 2017 follow-up survey with one order
 - Through consultation with provider, denied license but agreed to conditional license
 - Belief that provider has the ability to be compliant
 - Must show progress and become compliant in short time period
 - Collaborative approach using consultant and MDH monitoring to bring into compliance
 - One follow-up showed remarkable progress with orders
 - Comprehensive license issued following November follow-up survey
- **Restoration: T-comp – License denied with Stipulated Agreement for conditional comprehensive license**
 - June 2017 survey resulting in 32 orders
 - October 2017 follow-up survey with 0 orders
 - Through consultation with provider, denied license but agreed to conditional license
 - Belief that provider has the ability to be compliant
 - Must show progress and become compliant in short time period
 - Collaborative approach using consultant and MDH monitoring to bring into compliance
 - One follow-up showed all orders corrected
 - Comprehensive license issued following October follow-up survey

HCALP ENFORCEMENT ACTIONS BY CALENDAR YEAR

- **Avinity: Comprehensive license – agreed to conditional license using stipulated agreement**
 - History of noncompliance discovered during investigations and surveys in 2016 and 2017
 - April 2016 complaint investigation with 3 orders
 - January 2017 survey resulting in 16 orders with a level 4 that impacted four different clients
 - April 2017 follow-up to survey with 13 orders including 4 new orders
 - June 2017 follow-up to survey with 15 orders including 4 new orders with 2 at level 3
 - October 2017 complaint investigation with 2 orders with one at level 3
 - November 2017 complaint investigation with 1 order
 - With a concern for the welfare of the clients served by Avinity, the provider agreed to a conditional license using a stipulated agreement
 - Currently operating under a conditional license since November 22, 2017
 - Using a collaborative process including a consultant and monitoring visits by MDH
 - Must show progress and ability to maintain progress in a short period of time
 - Conditional license ended on February 14, 2018 after a follow-up survey show the provider is in compliance
- **Watchen: T-comp – License denied with Stipulated Agreement for conditional license**
 - July 2017 survey resulting in 28 orders
 - December 2017 follow-up survey with 2 orders
 - Through consultation with provider, denied license but agreed to conditional license
 - Belief that provider has the ability to be compliant
 - Must show progress and become compliant in short time period
 - Collaborative approach using consultant and MDH monitoring to bring into compliance
 - One follow-up showed remarkable progress
 - Conditional license ended after December follow-up survey showing provider in compliance
- **Touch of Home: Comprehensive license – agreed to conditional license using stipulated agreement**
 - Licensed provider since 2004
 - October 2017 survey resulting in 38 orders
 - Concerned about lack of understanding about Minnesota home care licensure requirements and policies and procedures that adequately provide safe care for clients
 - Conditional license in place since December 2017 using a collaborative process that utilizes a consultant and MDH monitoring
 - Second conditional license issued following first follow-up survey. Some conditions lifted because of progress toward compliance.
- **Jennifer's: Comprehensive license voluntarily closed following CHOW survey**
 - Licensing specialist concerned with knowledge of new owner
 - October survey resulting in 25 orders
 - Concerns:
 - Owner is CNA and acting in some respects like an RN
 - RN reports inability to work with owner and contract being terminated
 - Consultation with owner
 - Owner voluntarily closed license

2016: Enforcement Actions = 4

- **Meadow Ridge: T-comp - denied comprehensive**
 - 3 clients in memory care with multiple falls, resulting in multiple fractures and injuries. Fractures of one client resulted in permanent limitations with mobility
 - Immediate correction order at level 4
 - Violations with failure to report maltreatment, medications, treatments and policies
 - Lacked overall systems and training of unlicensed personnel
- **Tru Touch of Glory: T-comp - denied comprehensive**
 - No clients had an RN assessment
 - Multiple problems with oxygen including not checking O2 levels as ordered. This was issued at a level 3 because O2 saturation levels were never checked. Client had shortness of breath and fell.
 - Advertised that they employed an RN, but they did not have an RN
 - Lacked an adequate number of staff to provide needed services
 - Problems with medications and treatments
 - Lacked policies and training of unlicensed personnel
- **Step Forward: T-comp - denied comprehensive**
 - Lacked training for unlicensed staff
 - Not enough staff to provided needed services
 - Served many clients with mental illness but not understanding how to provide for the needs of people with mental illness
 - Staff not trained to administer medication and client was hospitalized after a medication error to antipsychotic and Beta blocker. Issued at a level 4.
 - RN with forged license and license was never verified
 - No RN assessments
 - Problems with medications and treatments
 - Lacking policies and training of unlicensed personnel
- **Superior View: Comprehensive license immediately suspended and revoked**
 - Survey from January 25 – 28, 2016 with 36 orders, many widespread, and multiple level 3 violations, resulting in several follow-ups never reaching full compliance
 - Seven OHFC investigations from May 2015 through August 2016 by OHFC
 - All but one OHFC investigation resulted in orders

2015: Enforcement Actions = 2

- **Riverbend: T-comp denied comprehensive**
 - Client in memory care with a known history of falls and history of fractures with no initial assessment had 14 falls and sustained a fracture. No assessment for causal factors with the 14 falls/fracture. Level 4 immediate correction ordered.
 - Violations with medications and treatments, reporting maltreatment, lacking general policies and systems. Training concerns for unlicensed personnel
- **Salmi Home: Comprehensive license entered stipulated agreement to change to new ownership**
 - July 24 through 31, 2015 survey with 34 violations
 - Two OHFC investigations with one substantiated and one not